

## **REMARKS**

### **Summary**

Claims 1-4, 6, and 8-21 are presently pending in the application. By this amendment, claim 7 has been cancelled and new claims 12-21 have been introduced. The foregoing amendment and the following remarks place this application in condition for allowance or, in the alternative, in better form for appeal. Entry of this amendment is therefore respectfully requested.

### **Specification**

The amendment filed 8/24/2004 was objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. Applicant has amended paragraph 15 and independent claims 1 and 6 to remove this matter.

### **Drawings**

Applicant has amended Figure 4 to remove reference numeral 209. Figures 2 and 3 have also been amended to add reference numeral 256 for the duct. Attached for consideration is a replacement drawing sheet.

### **§ 112 rejection**

Claims 1-4 and 6-10 stand rejected under 35 U.C.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant has amended independent claims 1 and 6 to remove "at least one substantially horizontal fin disposed in the bent coil." The removal of this language renders the rejection moot. Withdrawal of the rejection is therefore respectfully requested.

### **§ 103 rejection**

Claims 1-4, 6 and 8-10 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103 (a) as obvious over Martin, Sr. (US 5,284,027). The examiner states that Martin discloses a ducted heating and cooling unit with a V-shaped bent coil, and

therefore the claimed invention is anticipated by or, in the alternative, obvious. Applicant respectfully disagrees.

Independent claims 1 and 6 have been modified to claim at least two fans that move unconditioned air through a bent coil. Martin does not disclose a ducted unit including at least two fans that move unconditioned air towards a bent coil. Martin discloses an air conditioning system including a blower 12 that moves air into a coil 24 (column 6, lines 44-56). Martin only discloses one blower 12 and does not disclose multiple blowers to assist in directing the air through the coil 24. In the Applicant's claimed invention, two or more fans direct air through the bent coil. The presence of at least two fans in the claimed invention allows air to be better directed towards the bent coil and out of the ducted unit. Martin does not disclose, suggest or teach this feature. Accordingly, claims 1-4, 6 and 8-10 are not anticipated by Martin or obvious in view of Martin.

Claim 7 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Martin in view of French (US 1,787,444). The Examiner contends that French discloses a plurality of fans 13 and that Applicant's claimed invention is obvious in view of Martin and French. Applicant respectfully traverses this rejection.

Applicant's claimed invention is not obvious. In French, fans 13 draw air heated by a coil assembly 17 out of a unit through multiple ducts 12. The fans 13 are used to draw air out of the unit after it is heated. In Martin, the blower 12 is used to bring air into the unit before it is heated or cooled by the coil 24. The claimed invention recites that the apparatus includes at least two fans that move unconditioned air towards a bent coil. Neither reference teaches this feature. Martin only includes one fan 12 that directs air towards the coil 24. French does not disclose any fans that direct air towards the coil assembly 17. Therefore, the combination of the references does not teach, suggest or disclose the claimed invention. Applicant's claimed invention uses multiple blowers to direct air at the coil to enhance the overall efficiency of the system. For the aforementioned reasons withdrawal of the rejection is respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

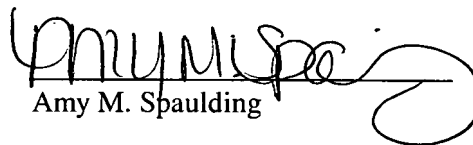
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**CERTIFICATE OF MAILING**

I hereby certify that the attached response and RCE are being deposited with the U.S. Postal Service as First Class Mailing, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 24, 2005.

  
Amy M. Spaulding